

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

IN RE: Hacker Valley Post Office
 Hacker Valley, WV 26222
 (Retha Casto, Petitioner)

Docket No. A2009-1

RESPONSE of Retha Casto, Petitioner,
and the NORTHERN WEBSTER COUNTY IMPROVEMENT COUNCIL
ad hoc HACKER VALLEY POST OFFICE PRESERVATION COMMITTEE,
to USPS RESPONSE TO COMMISSION'S INFORMATION REQUEST NO. 1.

Retha Casto, Petitioner, and the Hacker Valley Post Office Preservation Committee hereby respond to the **USPS Response to Commissioner Information Request (CIR) No. 1** filed on 8/24/09 [Filing ID:64204]. The Hacker Valley Post Office Preservation Committee is an *ad hoc* committee of the Northern Webster County Improvement Council formed to find an alternative to the Hacker Valley Post Office which was closed on 6/30/09. The information contained herein is being filed in order to provide to the Commission a more complete record for decision.

Respectfully submitted,

RETHA CASTO,

901 Williams Camp Run Road
PO Box 8824
Hacker Valley, WV 26222-8824

1. USPS states that it was first notified by letter from Lela Carter dated July 17, 2006, which was received on July 20, 2006.

RESPONSE and REBUTTAL: One letter from Lela Marie Carter to USPS is dated July 18, 2005, one year earlier than USPS states. See attached copy of letter from Lela Marie Carter dated 7/18/05. Ms. Carter has stated that she did not receive any written response to her letters until the "Landlord's Notice of Termination" dated 3/16/09 and again when USPS declined on 6/23/09 [See attached letter of Amanda Freeman] her written offer to extend the lease temporarily to give the community time to locate an alternative facility.

2. USPS states that in 2006 an initial survey of the Hacker Valley area to locate possible alternative sites for a Post Office was performed and that an additional survey was conducted later, the conclusion being that there were no suitable alternative sites in Hacker Valley. The USPS states that it attempted to renegotiate the lease and was prepared to take over maintenance of the existing structure. The USPS states that there is a "building freeze" and that building a facility is not an option.

RESPONSE and REBUTTAL: The petitioner/community is not aware that any surveys were performed and no response was received from the USPS to the request both verbally and in writing on 6/29/09 to District Manager Joseph Meimenn for a copy of the USPS file documents supporting the suspension of Hacker Valley Post Office.

The petitioner/community has no knowledge of any contacts by the USPS with any residents of the community regarding a search for other sites prior to the suspension. The Postmaster in 2006 was Pam Lawson, who was not a resident of the Hacker Valley area and if asked, may not have been aware of the available alternative sites. No notice was ever posted in the HV Post Office regarding any search for alternative sites. The petitioner and the community at large were unaware of the need for an alternative site. When the need was finally made apparent by the suspension notice on 5/22/09, several alternatives were immediately provided to the USPS.

Prior to the public meeting held at the Hacker Valley Senior Citizens Building on 6/8/09, representatives of Sun Lumber Company expressed to USPS representatives their interest in constructing a new post office building at no cost to the USPS. At the public meeting the Superintendent of Schools offered verbally, later in writing hand-delivered to the district manager on 6/29/09, an offer by the Webster County Board of Education to allow the Hacker Valley Post Office to occupy the recently vacated Hacker Valley School cafeteria building at a nominal fee. Community members expressed

willingness to make by contributions of labor and materials any necessary alterations to the structure.

While the petitioner/community is not aware of any attempt being made by the USPS to locate any alternative facility prior to the suspension, after the suspension notice three members of the *ad hoc* committee requested a meeting with the District Manager and USPS representatives. At the meeting with the District Manager on 6/29/09 further information regarding alternative sites was presented. The first alternative was the vacated school cafeteria, a masonry building in good repair, also used as the polling place for Hacker Valley precinct. The second was a new facility to be constructed for lease by the USPS to be built on land owned by Sun Lumber Company, to be designed without charge by Bryson VanNostrand, AIA and constructed at no cost to the USPS. Architect VanNostrand has submitted a final plan to the Eastern Facilities Service Office (FSO). To date there has been no response to this final plan. Moreover, without a response from USPS there is nothing further the community can do to construct a new facility in order to restore service in Hacker Valley. These two proposals do not exhaust the possible alternative sites.

The petitioner/community requests that the USPS identify the building referred to in the first paragraph of the USPS response as the "existing structure" that could serve as a potential post office but was not available.

Ms. Carter, the former lessor, has stated that although the USPS did contact her once by telephone prior to the suspension to ask if she was willing to reconsider extension of the lease, that she does not recall any offer whatsoever by the USPS to assume the maintenance of the structure. See attached letter from Lela Marie Carter

dated 8/27/09.

Both the petitioner and the Committee are confident that if arrangements can be made with USPS for its maintenance of the Carter Building (as USPS has itself suggested in its Response to Question No. 2 of CIR No. 1 that it is willing to do) then service could quickly be restored at that facility. In that connection, the same companies and individuals who have expressed willingness to construct a new post office building would be willing to make whatever repairs might be needed to Ms. Carter's existing building so that service can be restored.

3. The USPS states that it has sought to locate an alternative facility in Hacker Valley but has determined that no buildings are currently suitable to serve as an alternative site and has discussed alternative sites with several local businesses. The USPS has stated that the FSO is considering the community's proposal to build a new facility and will determine within the next few weeks whether the proposed facility would be suitable. The USPS states that the time frame within which a new building could become operational has not yet been determined.

RESPONSE: While the Petitioner/Community is very pleased that the USPS is seriously considering the construction of the alternative facility on Sun Lumber Company property, the far less expensive and more expedient alternative for all parties would be a relocation to the former Hacker Valley School cafeteria building as proposed by the Superintendent of the Webster County Board of Education. See attached letter from A.J. Rogers, Superintendent of Schools, dated 6/26/09. The verbal objection to the school cafeteria site voiced by the District Manager on 6/29/09 was that the site was not visible from Route 20, the main road upon which the current facility is located. However, the metal gymnasium building, which partially blocks the view of the cafeteria building from the main road, is soon to be dismantled and moved from the site, thus resulting in complete visibility of the proposed site from Route 20.

4. The USPS admits that USPS officials at the Hacker Valley Post Office suspension meeting on 6/8/09 stated that the USPS and the Hacker Valley Post Office were losing a great deal of money each year. The USPS asserts that it was emphasized that monetary shortfalls were not the basis for any decision regarding the Hacker Valley Post office and that no decision had been made to close the post office.

RESPONSE and REBUTTAL: The Petitioner/Community responds that the USPS officials did state that the post office closing was a temporary suspension and that a decision to close permanently had not yet been made. They indicated that the matter was out of their hands and meanwhile there was nothing the community could do for at least six months. If the USPS decided to close the PO permanently the patrons would be notified and could submit their comments then. They stated that the USPS was losing ten million dollars per day, that the Hacker Valley PO like many rural post offices was losing tens of thousands of dollars per year, and these losses would be a factor to be considered in the decision whether to close the Hacker Valley post office permanently. The officials stated that the reason for the suspension was that USPS was "evicted". The officials had no rebuttal to skeptical comments from local patrons that the USPS had known about the termination of the building lease for years and before the lease expired had not looked into the alternatives which were obviously available. One patron bitterly remarked that the USPS just hoped that the citizens would get tired of waiting and go away. The meeting was videotaped and the Petitioner makes an offer of proof.

Questions 5 -13 were factual inquiries directed to the Post Office regarding statistics and the Petitioner/Community has made no attempt to respond to these answers by the USPS.

ATTACHMENTS

1. Letter of Lela Marie Carter dated 7/18/05.
2. Landlord's Notice of Termination of the lease on 7/2/09 to Lela Marie Carter dated 3/16/09 by Esther M. Tinort, Eastern FSO.
3. Letter of Amanda Freeman dated 6/23/09 to Lela Marie Carter refusing her offer to extend the lease and reminding Ms. Carter of her desire to terminate the lease "due to your inability to make repairs or look after the building".
4. Letter of School Superintendent A. J. Rogers dated 6/26/09 re-iterating the offer made on 6/8/09 to relocate the Hacker Valley Post Office in the old school cafeteria building.
5. Letter of Lela Marie Carter dated 8/27/09 stating that she does not recall any offer by USPS to maintain the Hacker Valley Post Office Building in order to continue the lease.

P.O. Box 44
Hacker Valley, WV 26222
July 18, 2005

U S Postal Service
Mid-Atlantic PSP
PO Box 27497
Greensboro, NC 27498-1103

To Whom It May Concern:

I am writing in reference to the lease of the Hacker Valley Post Office (553420-001) that is located along West Virginia Route 20 in Hacker Valley WV 26222-9998. The project number on the lease is D93660 and on the lease renewal is D87681. I would like to inquire if I could be released from this lease as soon as possible and the post office relocated.

My husband, Daymon M. Carter recently passed away. I have had hip replacement surgery and I am a diabetic. My children do not live close enough to me to assist with repairs, upkeep, and emergency issues, which arise in regard to the facility.

Please notify me as soon as possible if there any options that I may pursue to be released from this lease. My phone number is (304) 493-6464.

Sincerely,



Lela Marie Carter



Landlord's Notice of Termination

CERTIFIED MAIL # 70081140000413577408

Return Receipt Requested

Date 03/16/2009

LELA M. CARTER
P O BOX 44
HACKER VALLEY, WV 26222-0044

SUBJECT: Notice of Termination

Facility Name/Location: HACKER VALLEY - MAIN OFFICE (553420-001)
4789 HACKER VALLEY RD, HACKER VALLEY, WV 26222-9998

Dear LELA M. CARTER

In accordance with the terms of the Lease under which the Postal Service leases from you the above postal quarters, please be advised:

that the Lease will terminate upon its expiration date, 07/02/2009.

The Postal Service retains the right to terminate this lease at an earlier date in accordance with the terms of the lease.

The Postmaster will arrange to have the meters read and the utilities disconnected. All postal equipment will be removed by the above date, and the keys will be mailed or delivered to you. If you prefer to make specific arrangements for the keys, please contact the Postmaster.

The Postal Service wishes to express its appreciation for your cooperation in providing the leased premises for its use. If you have any questions concerning this termination notice, please contact this office.

Sincerely,

Esther M. Tinort
Contracting Officer
Eastern FSO
7029 Albert Pick Rd 3rd Floor
Greensboro, NC 27498-1103
Phone: (336) 665 - 2831

cc: District
Postmaster
Nearest Inspection Service office (if applicable—keys, Stretch observation units, etc.)
Fed Ex Coord.
RES

Received 6-25-09

EASTERN FACILITIES SERVICE OFFICE



June 23, 2009

LELA M CARTER
PO BOX 44
HACKER VALLEY WV 26222-0044

SUBJECT: Hacker Valley WV 26222 (553420-001)
Termination of Lease Contract & Offer of Extension

Dear Mrs. Carter,

A faxed letter was received at the Eastern Facilities Office on Monday, June 22, 2009. It was dated June 20, 2009 and offered to extend the lease at the subject facility through September 30, 2009. A copy is attached.

I spoke with you on February 24, 2009 by telephone regarding any possible extension of the lease. At that time you reiterated your request that we vacate at the end of the current lease term due to your inability to make repairs or look after the building. Thank you very much for your offer. However, we are declining it.

The Postal Service will work with the citizens of Hacker Valley to ensure they continue to receive service.

If you have any questions, please contact me at amanda.freeman@usps.gov or by telephone at (336) 665-2843.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda L. Freeman".

Amanda Freeman
Real Estate Specialist

Attachment

Webster County Schools
315 South Main Street
Webster Springs, WV 26288

June 26, 2009

Dear Sir:

The Hacker Valley Post Office is vital to the community and serves the education system well. I would propose the new Hacker Valley Post Office be located in the "old cafeteria building" at the Hacker Valley School site along State Route 20/School Loop Road. You are welcome to tour the site and take any necessary photos. The Webster County Board of Education has informally discussed this matter and is willing to offer this site at a minimal cost to the USPS. Details, as well as formal Board approval, can be discussed and acted upon in a timely manner.

I look forward to your visit to the community. At this time, my mother is ill and I will be unable to accompany you on your visit, but I am sure Mr. Brian VanNostrand or other community members will be able to answer your questions about this location.

Thank you for considering this location for the new location of the Hacker Valley Post Office. If you have further questions, please feel free to contact me. My office phone is 304-847-5638 ext 113.

Sincerely,

A handwritten signature in cursive script that reads "A. J. Rogers KPH".

Arthur Rogers, Superintendent

Webster County Schools

4803 Hacker Valley RD
Hacker Valley WV 26222
Aug. 27, 2009

To Whom it May Concern -

I, Lela M. Carter, am writing this letter to let the Postal Regulatory Commission know that throughout the lease of my building for the Hacker Valley Post Office the United States Postal Service has never mentioned either verbally or in writing paying for any maintenance on the building.

In 2005, I sent a letter to the United States Postal Service requesting that our lease be terminated. The Postal Service did not respond by letter, but rather, by telephone informing me that there were a number of reasons why the lease could not be terminated. In Feb. of 2009, I got a call from the Postal Service asking me to reconsider renewing the lease, rather than just an extension.

Due to possible hardships on the citizens at Hacker Valley, if they were to lose their post office. I sent a letter on June 22, 2009 (dated June 20, 2009), to the Postal Service offering to extend our lease until bad weather (Sept. 30, 2009). A friend faxed the letter for me, as I do not have faxing capabilities. I recieved a response to my letter on June 23, 2009, stating that they would not extend the lease. The swiftness of the response to my letter caused me to wonder how much consideration was given to my request or the postal service of the citizens of the Hacker Valley Post Office.

Sincerely,

Lela M. Carter

Lela M. Carter